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202/857-6016

December 7, 1992

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554


Re: MM Docket No. 87-268

Dear Ms. Searcy:

On behalf of Association of America's Public Television Stations, the Corporation for Public Broadcasting and the Public Broadcasting Service, I am submitting herewith pursuant to Section 1.1206 of the Commission's rules the enclosed notices concerning meetings held between representatives of those three organizations and members of the staff of the Mass Media Bureau and the Office of Engineering and Technology. Those meetings discussed issues related to the above-referenced proceeding.

If there are any questions concerning this submission, please contact me.

Very Truly Yours,



Theodore D. Frank

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Meeting with FCC Staff

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Date: December 4, 1992

Time: 9:45 a.m.

Participants:

Marilyn Mohrman-Gillis, General Counsel
Association of America's Public Television Stations
Mr. Edward Coltman, Director, Policy Development & Planning
Corporation for Public Broadcasting
Mr. Howard Miller, Senior Vice President, Broadcast
Operations, Engineering and Computer Services
Public Broadcasting Service
Theodore D. Frank, Esquire
Arent Fox Kintner Plotkin & Kahn

Mr. William H. Hassinger, Assistant Chief Engineer
Mass Media Bureau
Beverly McKittrick, Assistant Chief,
Policy and Rules Division, Mass Media Bureau
Regina Harrison, Esquire
Policy and Rules Division, Mass Media Bureau
Mr. Gordon W. Godfrey, Engineering Policy Branch,
Policy and Rules Division, Mass Media Bureau

Subject: Public television concerns with respect to proposals in
MM Docket No. 87-286 affecting the reservation of
channels for noncommercial educational use. A copy of
the attached was left with the Commission's staff.

PUBLIC TELEVISION POSITION ON HDTV

A. We have two basic goals:

- assuring the continued availability in an ATV environment of off-the-air public television service to areas and populations currently served by public television stations; and
- assuring that the percentage of NTSC spectrum reserved for noncommercial use is preserved in an ATV environment.

B. These two objectives implement well established policy determinations made by both the FCC and by Congress:

- that noncommercial television program service serves an important and unique need which is not served by commercial broadcasters, and
- that that program service should be made available to as much of the American public as possible.
- In addition, many public television licensees are instrumentalities of a State governments and have a state legislative mandate to serve the entire State, without regard to population density or ability of the station's service area to support the station.

C. While the Commission's policy determinations further these principles, the Commission to date has been slow to adopt the procedures necessary to implement those policy determinations and has rejected suggestions public television has made.

D. Given the financial realities of public television funding, assuring the continuation of existing public television service in an ATV world mandates that the transition be achieved in the most economical manner both

- to conserve tax dollars, and
- to facilitate public televisions' transition to ATV.

E. To do so, we have consistently urged the Commission to adopt an allotment/assignment methodology which

- assures replication of existing coverage areas, and
- permits public television stations to use their current transmitter sites.

- F. In order to achieve these objectives, the Commission should follow the same course it followed in 1952 when it established the current NTSC Table of Allotments:
- regardless of the allotment/assignment procedure employed, specific channels must be set aside exclusively for noncommercial use at the earliest stages of the allotment/assignment process, and
 - public television licensees must be given a prolonged period of time to apply for those channels and/or to construct the stations without the risk of facing competing applications.
- G. Unless channels are set aside in this manner, the Commission will jeopardize the basic Congressional goals for public television, by
- relegating public television stations to short-spaced ATV channels or channels which do not permit replication of their current service areas, thereby impairing their ability to continue serving their current audiences after the transition to ATV,
 - reducing the opportunity of public television stations to use their existing transmitter sites, thereby increasing the cost of the transition for public television licensees, and
 - increasing the risk that current public television licensees will be assigned VHF ATV channels during the transition, assuming the Commission adopts its all-UHF plan.
- H. The economic realities of the financing of public television is that the existing public television system can not afford the costs of the transition to HDTV without substantial governmental financial assistance
- the bulk of this assistance will have to come from NTIA
 - the States, charitable organizations and other sources of public television funding do not have the resources necessary to continue public television operations and finance the capital costs of conversion
 - it took public television between fifteen and twenty years after Congress created the PTFP for it to achieve its current service coverage

- according to the most recent estimates, the transition to ATV will entail costs comparable to the initial construction costs,
- while public television is in a better position today to raise funds than in it was in 1952 or even 1962, it will take it time to raise the funds necessary to match PTFP grants;
- moreover, given the current state of the federal fisc, it is unreasonable to assume that Congress will triple or quadruple the PTFP appropriation during the early years of ATV -- which is what it will take to finance the conversion -- when public demand for ATV is still nascent.
- Thus, assuring the continued availability of public television services during and after the transition to ATV requires that the Commission employ the same safeguards in did in 1952 when it initially set aside channels for noncommercial use and jealously guarded those channels from commercial entities.

I. The Commission's decisions to date have not fully come to grips with these realities in the implementation of its policy determinations;

- the decisions as to how channels will be set aside for public television have tended to treat public television basically in the same manner as commercial television, with only a nod to the need to reserve channels and the financial limitations faced by the industry
- public television is different than commercial television, and the Commission must treat it differently, if it is to assure that public television service remains available to the public after the transition to ATV
- Unless the Commission takes the types of steps it took in 1952 to create the service, the public television system which survives into a ATV world will be a markedly diminished and less vibrant system than the one we have today.